

United States Court of Appeals  
Fifth Circuit

**FILED**

**March 8, 2004**

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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Charles R. Fulbruge III  
Clerk

No. 03-30445

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WILSON W. WILSON, appearing in his  
capacity as the curator of  
rpi Christel W. Fontenot,

Plaintiff - Appellee,

versus

STATE FARM FIRE & CASUALTY INSURANCE CO.,

Defendant - Appellant.

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Appeal from the United States District Court  
for the Middle District of Louisiana, Baton Rouge  
USDC No. 96-CV-3345-C

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Before JOLLY, DUHÉ, and STEWART, Circuit Judges.

PER CURIAM:\*

We REVERSE and VACATE the judgment of the district court for  
the following reasons:

First, the district court utterly failed to assign any written  
reasons for its ruling in this bench trial. FED. R. CIV. P. 52(a).  
We cannot affirm any such judgment without written reasons for the  
rulings.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that  
this opinion should not be published and is not precedent except  
under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Second, the district court committed reversible error when it, sua sponte, excluded the testimony of Christel Fontenot, finding her to be incompetent to testify. From the record before us there is nothing to indicate, notwithstanding her particular mental diagnosis, that she was incompetent as a witness. LA. CODE EVID. ART. 601.

Finally, the evidence in this record will not support a judgment in favor of the plaintiff.

Accordingly, the judgment is REVERSED and VACATED and the case is REMANDED for further proceedings not inconsistent herewith, including a new trial if required.

REVERSED, VACATED, and REMANDED.